

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RICHARD OTTO HANSEN,

Plaintiff,

vs.

UNITED STATES MARSHAL'S
SERVICE FOR THE DISTRICT
OF NEBRASKA,

Defendant.

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4:05cv3232

MEMORANDUM AND ORDER

On November 21, 2005 (filing no. 22), Magistrate Judge F. A. Gossett gave the plaintiff, a prisoner, an extension of time until December 16, 2005 to respond to the defendant's Motion to Dismiss or for Summary Judgment (filing no. 11). However, the plaintiff has not responded to the defendant's motion.

In his complaint and in a later Motion for Temporary Restraining Order and Preliminary Injunction (filing no. 9), the plaintiff, Richard Otto Hansen, sought to require the defendant, the U.S. Marshal's Service, to take possession of the plaintiff's boxes of legal materials in conjunction with moving the plaintiff from state to federal custody. As the defendant explains in filing no. 11 and supporting materials, the U.S. Marshal declined, for reasons of security, to transport the plaintiff's boxes. Instead the boxes remain in the possession of the plaintiff's mother, who is free to coordinate with the Bureau of Prisons regarding delivery of the materials to the plaintiff.

The plaintiff's complaint fails to state a claim on which relief may be granted. See Fed. R. Civ. P. 12(b)(6). The plaintiff has cited no authority requiring the U.S. Marshal to transport his materials in lieu of leaving the documents in the possession of the plaintiff's family members. Therefore, filing no. 11, the defendant's Motion to Dismiss or for Summary Judgment, is granted; filing no. 9, the plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, is denied; and judgment will be entered accordingly.

SO ORDERED.

January 9, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge